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MOSER LAW FIRM, PC



August 25, 2022

VIA ECF

Hon. Robert W. Lehrburger, USMJ
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312



Re: *Hess v. Bed, Bath & Beyond, Inc.*, Case No. 21-cv-4099(AT)(RWL)

Dear Judge Lehrburger:

I represent the Plaintiffs. I write with the consent of the Defendant Bed Bath & Beyond, Inc. ("BBB") to advise the Court that, subject to the Court's approval, the parties have resolved Plaintiffs' motion to amend (ECF No. 89). More specifically, BBB has reconsidered its opposition to the amendment and consents to the filing of the Proposed Third Amended Complaint. ECF No. 89-1.

BBB has moved to dismiss the Proposed Third Amended Complaint (*See* ECF Nos. 100-102), which is not yet the operative pleading. Therefore, the parties respectfully request that:

1. Plaintiffs be directed to file the Proposed Third Amended Complaint (ECF No. 89-1) as the operative pleading; and;
2. Plaintiffs' motion to amend (ECF No. 89) be denied as moot.

Respectfully submitted,

Steven J. Moser

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CC: All counsel of record via ECF

Items 1 and 2 are both granted. Plaintiffs shall proceed with filing the Third Amended Complaint. The Court appreciates the parties' cooperation.

SO ORDERED:

8/25/2022

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE